

FORM PTO-1390
REV. 2/01T

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22,852

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

07552.0033

U.S. APPLICATION NO.
(If known, see 37CFR1.5)
10/500,331

INTERNATIONAL APPLICATION NO.

INTERNATIONAL FILING DATE

PRIORITY DATE CLAIMED

PCT/IB02/05595

December 20, 2002

December 27, 2001

TITLE OF INVENTION

EQUIPMENT FOR CONTROLLING BLOOD FLOW IN AN EXTRACORPOREAL BLOOD CIRCUIT

APPLICANT(S) FOR DO/EO/US


Francesco FONTANAZZI and Luca VINCI

Applicant(s) herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau.
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed with the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154 (d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☒ Information Disclosure Statement under 37 CFR 1.97 and 1.98
12. ☐ Two (2) assignment documents for recording. A separate cover sheet each in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
14. ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☐ A Substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154 (d)(4).
19. ☐ A second copy of the English language translation of the international application 35 U.S.C. 154 (d)(4).
20. ☐ Other items or information:
 - a. ☐ Copy of cover page of International Publication No. WO 03/055542 A1
 - b. ☐ Copy of Notification of Missing Requirements.
 - c. ☐

U.S. APPLICATION NO. (If known, see 37CFR 1.5) 10/500,331		INTERNATIONAL APPLICATION NO. PCT/IB02/05595		ATTORNEY'S DOCKET NUMBER 07552.0033	
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search fee (37 CFR 1.445(a)(2)) paid to USPTO \$770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33 (1)-(4) \$100.00 <div style="text-align: right;">ENTER APPROPRIATE BASIC FEE AMOUNT =</div>				CALCULATIONS PTO USE ONLY	
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	- 20 =		x \$18.00	\$	
Independent Claims	- 3 =		x \$86.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+\$290.00	\$	
TOTAL OF THE ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest priority date (37 CFR 1.492(f)). <input type="checkbox"/> 20 <input type="checkbox"/> 30				\$	
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property. Two (2) total				\$	
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> A check in the amount of \$ ___ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>06-0916</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P. 1300 I Street, N.W. Washington, D.C. 20005-3315					
DATED: September 30, 2004				 SIGNATURE Ernest F. Chapman NAME/REGISTRATION NO.: 25,961	

30 SEP 2004

10/500331

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

This Information Disclosure Statement is being filed within three months of the filing date of the above-referenced application.

The following are listed on the accompanying PTO-1449 and are in a non-English language:

1. European patent publication no. 1 044 695 A2. An English language abstract of this document is enclosed.
2. European patent publication no. 0 773 035 B1. The relevance of this document is disclosed in the English language claims found on pages 9-11 of the document and in the enclosed English language abstract.
3. German patent publication no. 40 24 434 A1. An English language abstract of this document is enclosed.
4. French publication no. FR 2,244,546. This document discloses a central device for a blood pump of a dialysis system wherein the flow rate provided by the blood pump is continuously modified during treatment as a function of actual blood availability from patient. In particular the blood pump current supply is continuously controlled and modified as a function of a signal provided by a transducer associated to the extracorporeal circuit tubing and able to detect the quantity of patient's blood available to the blood pump. An English language abstract of this document is also enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the

appropriate status of such documents. Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 30, 2004

By: 

Ernest F. Chapman
Reg. No. 25,961

Enclosures
EFC/FPD/blc

INFORMATION DISCLOSURE CITATION

Atty. Docket No.	07552.0033	Application No.	10/500,331
Applicants	Francesco FONTANAZZI et al.		
Filing Date	June 28, 2004	Group:	

U.S. PATENT DOCUMENTS						
Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	3,882,861	May 13, 1975	Kettering et al.			
	5,733,257	March 31, 1998	Sternby			
	5,947,692	September 7, 1999	Sahlin et al.			
	5,057,278	October 15, 1991	Maxwell et al.			
	4,995,268	February 26, 1991	Ash et al.			
	4,797,655	January 10, 1989	Orndal et al.			
	5,372,709	December 13, 1994	Hood			
	5,866,015	February 2, 1999	Kramer			

FOREIGN PATENT DOCUMENTS						
Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No	
WO 95/10310	April 20, 1995	WIPO				
WO 91/09229	June 27, 1991	WIPO				
WO 90/06781	June 28, 1990	WIPO				
0 315 312 A1	May 10, 1989	Europe				
0 104 896 A2	April 4, 1984	Europe				
1 044 695 A2	October 18, 2000	Europe			Abstract	
0 928 614 A1	July 14, 1999	Europe				
0 773 035 B1	May 14, 1997	Europe			Abstract and Claims	
40 24 434 A1	February 13, 1992	Germany			Abstract	
2,244,546	April 18, 1975	France			Abstract	
0 723 463 B1	July 31, 1996	Europe				

Examiner	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce